

1 DAVID CHIU, State Bar #189542  
2 City Attorney  
3 THOMAS S. LAKRITZ, State Bar #161234  
MIGUEL A. GRADILLA, State Bar #304125  
4 KARUN TILAK, State Bar #323939  
Deputy City Attorneys  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
5 San Francisco, California 94102-4682  
Telephone: (415) 554-4628 (Lakritz)  
(415) 554-3870 (Gradilla)  
(415) 355-3308 (Tilak)  
Facsimile: (415) 554-4699  
E-mail: tom.lakritz@sfcityatty.org  
miguel.gradilla@sfcityatty.org  
karun.tilak@sfcityatty.org  
9

10 Attorneys for Defendants  
11 SAN FRANCISCO COMMUNITY INVESTMENT FUND,  
CITY AND COUNTY OF SAN FRANCISCO, and NAOMI KELLY  
12  
13

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 UNITED STATES OF AMERICA, *ex rel.*  
LEIASA BECKHAM, and STATE OF  
18 CALIFORNIA, *ex rel.* LEIASA BECKHAM,

19 Plaintiffs,

20 vs.

21 1850 BRYANT LAND LLC, KASLOFSKY  
& ASSOCIATES LLC, THURSTON  
22 KASLOFSKY, CHRISTOPHER PAUL  
FOLEY, DOUGLAS ROSS, SAN  
FRANCISCO COMMUNITY  
INVESTMENT FUND, CITY AND  
COUNTY OF SAN FRANCISCO, and  
NAOMI KELLY,

23 Defendants.  
24  
25

26 Case No. 3:21-cv-05742-RS (DMR) (AGT)

27 DEFENDANTS' RESPONSE TO WILLIAM K.  
HANAGAMI AND BYRON T. BALL'S  
MOTION TO CONDITIONALLY WITHDRAW  
AS COUNSEL FOR PLAINTIFF AND  
RELATOR LEIASA BECKHAM

28 Hearing Date: November 14, 2024  
Time: 1:30 p.m.  
Before: Honorable Richard Seeborg  
Place: 450 Golden Gate Avenue  
Courtroom 3 – 17th Floor  
San Francisco, CA 94102

Trial Date: September 8, 2025

1 Defendants<sup>1</sup> hereby respond to William K. Hanagami and Byron T. Ball's ("Relator's  
 2 Counsel") October 4, 2024 motion to withdraw as counsel for Plaintiff/Relator Leiasa Beckham  
 3 ("Relator"). Relator's Counsel's motion seeks three forms of relief, and Defendants address each in  
 4 turn.

5 *First*, Defendants take no position on Relator's Counsel's request to withdraw as counsel for  
 6 Relator.

7 *Second*, Relator's Counsel requests that Relator be given until December 2, 2024 to find  
 8 replacement counsel. As Relator's Counsel notes, Relator cannot proceed *pro se* in a False Claims Act  
 9 case, and the case must be dismissed if she is not represented by counsel. *See Stoner v. Santa Clara*  
 10 *County Office of Educ.*, 502 F.3d 1116, 1125–28 (9th Cir. 2007). Defendants do not oppose granting  
 11 Relator until December 2, 2024 to find replacement counsel. However, to the extent Relator seeks any  
 12 additional time, Defendants respectfully submit that any such request is unwarranted and prejudicial to  
 13 Defendants' rights.

14 Defendants first learned that Relator would be seeking replacement counsel on September 12,  
 15 2024. Tilak Decl. ¶ 5. At the time, Relator sought a three-week extension to find counsel. *Id.* On  
 16 September 20, Relator asked for approximately 30 additional days, until November 5. *Id.* ¶ 6.  
 17 Relator's Counsel now asks for even more time in their motion. Indeed, by December 2, Relator will  
 18 have had nearly three months to find replacement counsel. Courts in this district routinely give  
 19 Relators less time to find counsel. *See, e.g., United States ex rel. McNall v. Pac. Retirement Servs.*,  
 20 No. 16-cv-00889-LB, 2019 WL 4085369 (N.D. Cal. Aug. 29, 2019) (in case where counsel moved to  
 21 withdraw two years after the case was unsealed, granting Relator 32 days to find replacement counsel  
 22 and expressing intent to dismiss case if no replacement counsel retained), *aff'd* 859 F. App'x 48 (9th  
 23 Cir. 2021).<sup>2</sup>

---

24  
 1 Defendants are: 1850 Bryant Land LLC, Kaslofsky & Associates LLC, Thurston Kaslofsky,  
 2 Christopher Paul Foley, Douglas Ross, the City & County of San Francisco, the San Francisco  
 3 Community Investment Fund, and Naomi Kelly.

25  
 2 See also, e.g., *United States ex rel. Solomon v. Moderna US Inc.*, No. C 23-01103-WHA,  
 26 2023 WL 7928697 (N.D. Cal. Sept. 26, 2023) (granting Relator a total of 60 days from the unsealing  
 27 of the complaint to find counsel); *Dominguez v. Pratt*, No. 23-cv-00981-DMR, 2023 WL 7459262  
 28 (N.D. Cal. June 26, 2023) (giving Relator 21 days to find counsel, and then recommending dismissal),  
 DEFTS. RESPONSE TO MOT. FOR COND. WITHDRAWAL

1        This case has been pending for three-and-a-half years, and was preceded by years-long state  
 2 court litigation involving many of the same parties and issues. Further, many of the Relator's claims  
 3 arise from conduct that allegedly occurred over eight (8) and nearly ten (10) years ago. ECF No. 66 at  
 4 ¶¶ 21-22.

5        Allowing an extended delay for an eleventh-hour change of counsel would unfairly prejudice  
 6 Defendants. In addition to the generalized costs caused by Relator's abject failure to prosecute this  
 7 case, there are other, discrete harms caused by the delay. For example, because of Relator's  
 8 allegations, Defendant SFCIF has had to hold millions of dollars in reserve while the case is pending  
 9 that it could otherwise make available to fund community development projects. Tilak Decl. ¶ 8.  
 10 Prolonged delays will only further impair Defendants' operations and their ability to serve the  
 11 community.

12        *Third*, Relator's Counsel requests that case deadlines in this case be taken "off calendar" while  
 13 she seeks replacement counsel. Defendants do not oppose this request. However, Defendants note  
 14 that despite serving discovery in April, Defendants still have not received compliant discovery  
 15 responses nor have they received useable, responsive records from Relator. Tilak Decl. ¶ 3. The  
 16 significant discovery issues that remain outstanding as a result of Relator's dilatory conduct further  
 17 advise against granting Relator an extended amount of time to retain replacement counsel—which will  
 18 only delay the progress and ultimate resolution of this case.

---

25 *report and recommendation adopted*, 2023 WL 7458846 (July 24, 2023); *Huggins v. Kratos Defense*  
 26 & *Securities Solutions, Inc.*, No. 18-cv-03976-JSC, 2021 WL 8153598 (N.D. Cal. Aug. 24, 2021)  
 27 (giving Relator 24 days to obtain counsel and then recommending dismissal), *report and*  
*recommendation adopted*, 2021 WL 8153595 (Sept. 8, 2021); *United States ex rel. McLean v. Cnty. of*  
*Santa Clara*, No. C05-01962 HRL, 2009 WL 3297502 (N.D. Cal. Oct. 9, 2009) (in case pending four-  
 28 and-a-half years, giving Relator 60 days to find counsel).

Dated: October 18, 2024

1 DAVID CHIU  
2 City Attorney  
3 THOMAS S. LAKRITZ  
4 MIGUEL A. GRADILLA  
KARUN TILAK  
Deputy City Attorneys

5 By: s/Miguel A. Gradilla  
6 MIGUEL A. GRADILLA

7 Attorneys for Defendants  
8 SAN FRANCISCO COMMUNITY  
9 INVESTMENT FUND, CITY AND COUNTY  
OF SAN FRANCISCO, and NAOMI KELLY

10 Dated: October 18, 2024

SEVERSON & WERSON

11 By: s/Andrew S. Elliott  
12 ANDREW S. ELLIOTT  
13 ELIZABETH C. FARRELL

14 Attorneys for Defendants 1850 BRYANT LAND LLC,  
15 CHRISTOPHER PAUL FOLEY AND DOUGLAS  
ROSS

16 Dated: October 18, 2024

JACKSON LAW GROUP, P.C.

17 By: s/Aaron R. Jackson  
18 AARON R. JACKSON

19 Attorneys for Defendants KASLOFSKY &  
20 ASSOCIATES LLC and THURSTON KASLOFSKY

**CIVIL L.R. 5-1(h)(3) ATTESTATION**

I, Miguel A. Gradilla, attest that each of the other signatories have concurred in the filing of this document, which shall serve in lieu of their own signatures on the document.

Dated: October 18, 2024

DAVID CHIU  
City Attorney  
THOMAS S. LAKRITZ  
MIGUEL A. GRADILLA  
KARUN TILAK  
Deputy City Attorneys

By: s/Miguel A. Gradilla  
**MIGUEL A. GRADILLA**

Attorneys for Defendants SAN FRANCISCO  
COMMUNITY INVESTMENT FUND, CITY AND  
COUNTY OF SAN FRANCISCO, and NAOMI KELLY